

ENTERED

December 15, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**TEXAS MEDICAL TECHNOLOGY, INC., §
§
Plaintiff, §
§
VS. §
§
BERRY GLOBAL, INC., *et al.*, §
§
Defendants. §**

CIVIL ACTION NO. 4:23-CV-01537

ORDER

On December 15, 2023, the Court held a hearing on a Motion to Dismiss filed by Defendants Berry Global, Inc. (Berry) and Bonlam, S.A. de C.V. (Bonlam). ECF No. 20. For the reasons stated on the record, the Court **GRANTED** the Motion. Accordingly, the Court **DISMISSED WITH PREJUDICE** Plaintiff Texas Medical Technology, Inc.'s (TMT) DTPA claim against Berry and Bonlam and **DISMISSED WITHOUT PREJUDICE** TMT's remaining claims against Berry and Bonlam.

If it chooses, TMT may amend its Complaint. Any Amended Complaint shall be filed no later than January 5, 2024.

IT IS SO ORDERED.

Signed at Houston, Texas on December 15, 2023.



Keith P. Ellison
United States District Judge